

**ESHB 2424** - S COMM AMD

By Committee on Judiciary

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 9.68A.001 and 2007 c 368 s 1 are each amended to read  
4 as follows:

5 The legislature finds that the prevention of sexual exploitation  
6 and abuse of children constitutes a government objective of surpassing  
7 importance. The care of children is a sacred trust and should not be  
8 abused by those who seek commercial gain or personal gratification  
9 based on the exploitation of children.

10 The legislature further finds that the protection of children from  
11 sexual exploitation can be accomplished without infringing on a  
12 constitutionally protected activity. The definition of "sexually  
13 explicit conduct" and other operative definitions demarcate a line  
14 between protected and prohibited conduct and should not inhibit  
15 legitimate scientific, medical, or educational activities.

16 The legislature further finds that children engaged in sexual  
17 conduct for financial compensation are frequently the victims of sexual  
18 abuse. Approximately eighty to ninety percent of children engaged in  
19 sexual activity for financial compensation have a history of sexual  
20 abuse victimization. It is the intent of the legislature to encourage  
21 these children to engage in prevention and intervention services and to  
22 hold those who pay to engage in the sexual abuse of children  
23 accountable for the trauma they inflict on children.

24 The legislature further finds that due to the changing nature of  
25 technology, offenders are now able to access child pornography in  
26 different ways and in increasing quantities. By amending current  
27 statutes governing depictions of a minor engaged in sexually explicit  
28 conduct, it is the intent of the legislature to ensure that intentional  
29 viewing of and dealing in child pornography over the internet is  
30 subject to a criminal penalty without limiting the scope of existing

1 prohibitions on the possession of or dealing in child pornography,  
2 including the possession of electronic depictions of a minor engaged in  
3 sexually explicit conduct. It is also the intent of the legislature to  
4 clarify, in response to State v. Sutherby, 204 P.3d 916 (2009), the  
5 unit of prosecution for the statutes governing possession of and  
6 dealing in depictions of a minor engaged in sexually explicit conduct.  
7 It is the intent of the legislature that the first degree offenses  
8 under RCW 9.68A.050, 9.68A.060, and 9.68A.070 have a per depiction or  
9 image unit of prosecution, while the second degree offenses under RCW  
10 9.68A.050, 9.68A.060, and 9.68A.070 have a per incident unit of  
11 prosecution as established in State v. Sutherby, 204 P.3d 916 (2009).  
12 Furthermore, it is the intent of the legislature to set a different  
13 unit of prosecution for the new offense of viewing of depictions of a  
14 minor engaged in sexually explicit conduct such that each separate  
15 session of intentionally viewing over the internet of visual depictions  
16 or images of a minor engaged in sexually explicit conduct constitutes  
17 a separate offense.

18 NEW SECTION. Sec. 2. A new section is added to chapter 9.68A RCW  
19 to read as follows:

20 This chapter does not apply to lawful conduct between spouses.

21 **Sec. 3.** RCW 9.68A.011 and 2002 c 70 s 1 are each amended to read  
22 as follows:

23 Unless the context clearly indicates otherwise, the definitions in  
24 this section apply throughout this chapter.

25 (1) An "internet session" means a period of time during which an  
26 internet user, using a specific internet protocol address, visits or is  
27 logged into an internet site for an uninterrupted period of time.

28 (2) To "photograph" means to make a print, negative, slide, digital  
29 image, motion picture, or videotape. A "photograph" means anything  
30 tangible or intangible produced by photographing.

31 ((+2+)) (3) "Visual or printed matter" means any photograph or  
32 other material that contains a reproduction of a photograph.

33 ((+3+)) (4) "Sexually explicit conduct" means actual or simulated:

34 (a) Sexual intercourse, including genital-genital, oral-genital,  
35 anal-genital, or oral-anal, whether between persons of the same or  
36 opposite sex or between humans and animals;

1 (b) Penetration of the vagina or rectum by any object;  
2 (c) Masturbation;  
3 (d) Sadomasochistic abuse (~~((for the purpose of sexual stimulation~~  
4 ~~of the viewer))~~);  
5 (e) (~~Exhibition of the genitals or unclothed pubic or rectal areas~~  
6 ~~of any minor, or the unclothed breast of a female minor, for the~~  
7 ~~purpose of sexual stimulation of the viewer;~~  
8 ~~(f))~~) Defecation or urination for the purpose of sexual stimulation  
9 of the viewer;  
10 (f) Depiction of the genitals or unclothed pubic or rectal areas of  
11 any minor, or the unclothed breast of a female minor, for the purpose  
12 of sexual stimulation of the viewer. For the purposes of this  
13 subsection (4)(f), it is not necessary that the minor know that he or  
14 she is participating in the described conduct, or any aspect of it; and  
15 (g) Touching of a person's clothed or unclothed genitals, pubic  
16 area, buttocks, or breast area for the purpose of sexual stimulation of  
17 the viewer.  
18 ~~((4))~~ (5) "Minor" means any person under eighteen years of age.  
19 ~~((5))~~ (6) "Live performance" means any play, show, skit, dance,  
20 or other exhibition performed or presented to or before an audience of  
21 one or more, with or without consideration.

22 **Sec. 4.** RCW 9.68A.050 and 1989 c 32 s 3 are each amended to read  
23 as follows:

24 ~~((A person who:))~~  
25 (1)(a) A person commits the crime of dealing in depictions of a  
26 minor engaged in sexually explicit conduct in the first degree when he  
27 or she:  
28 (i) Knowingly develops, duplicates, publishes, prints,  
29 disseminates, exchanges, finances, attempts to finance, or sells  
30 (~~any~~) a visual or printed matter that depicts a minor engaged in an  
31 act of sexually explicit conduct as defined in RCW 9.68A.110(4) (a)  
32 through (e); or  
33 ~~((2))~~ (ii) Possesses with intent to develop, duplicate, publish,  
34 print, disseminate, exchange, or sell any visual or printed matter that  
35 depicts a minor engaged in an act of sexually explicit conduct as  
36 defined in RCW 9.68A.011(4) (a) through (e).

1 (b) Dealing in depictions of a minor engaged in sexually explicit  
2 conduct in the first degree is ((guilty of)) a class ((C)) B felony  
3 punishable under chapter 9A.20 RCW.

4 (c) For the purposes of determining the unit of prosecution under  
5 this subsection, each depiction or image of visual or printed matter  
6 constitutes a separate offense.

7 (2)(a) A person commits the crime of dealing in depictions of a  
8 minor engaged in sexually explicit conduct in the second degree when he  
9 or she:

10 (i) \_\_ Knowingly \_\_ develops, \_\_ duplicates, \_\_ publishes, \_\_ prints,  
11 disseminates, exchanges, finances, attempts to finance, or sells any  
12 visual or printed matter that depicts a minor engaged in an act of  
13 sexually explicit conduct as defined in RCW 9.68A.011(4) (f) or (g); or

14 (ii) Possesses with intent to develop, duplicate, publish, print,  
15 disseminate, exchange, or sell any visual or printed matter that  
16 depicts a minor engaged in an act of sexually explicit conduct as  
17 defined in RCW 9.68A.011(4) (f) or (g).

18 (b) Dealing in depictions of a minor engaged in sexually explicit  
19 conduct in the second degree is a class C felony punishable under  
20 chapter 9A.20 RCW.

21 (c) For the purposes of determining the unit of prosecution under  
22 this subsection, each incident of dealing in one or more depictions or  
23 images of visual or printed matter constitutes a separate offense.

24 **Sec. 5.** RCW 9.68A.060 and 1989 c 32 s 4 are each amended to read  
25 as follows:

26 (1)(a) A person ((who)) commits the crime of sending or bringing  
27 into the state depictions of a minor engaged in sexually explicit  
28 conduct in the first degree when he or she knowingly sends or causes to  
29 be sent, or brings or causes to be brought, into this state for sale or  
30 distribution, ((any)) a visual or printed matter that depicts a minor  
31 engaged in sexually explicit conduct as defined in RCW 9.68A.011(4) (a)  
32 through (e).

33 (b) Sending or bringing into the state depictions of a minor  
34 engaged in sexually explicit conduct in the first degree is ((guilty  
35 of)) a class ((C)) B felony punishable under chapter 9A.20 RCW.

36 (c) For the purposes of determining the unit of prosecution under

1 this subsection, each depiction or image of visual or printed matter  
2 constitutes a separate offense.

3 (2)(a) A person commits the crime of sending or bringing into the  
4 state depictions of a minor engaged in sexually explicit conduct in the  
5 second degree when he or she knowingly sends or causes to be sent, or  
6 brings or causes to be brought, into this state for sale or  
7 distribution, any visual or printed matter that depicts a minor engaged  
8 in sexually explicit conduct as defined in RCW 9.68A.011(4) (f) or (g).

9 (b) Sending or bringing into the state depictions of a minor  
10 engaged in sexually explicit conduct in the second degree is a class C  
11 felony punishable under chapter 9A.20 RCW.

12 (c) For the purposes of determining the unit of prosecution under  
13 this subsection, each incident of sending or bringing into the state  
14 one or more depictions or images of visual or printed matter  
15 constitutes a separate offense.

16 **Sec. 6.** RCW 9.68A.070 and 2006 c 139 s 3 are each amended to read  
17 as follows:

18 (1)(a) A person ((who)) commits the crime of possession of  
19 depictions of a minor engaged in sexually explicit conduct in the first  
20 degree when he or she knowingly possesses a visual or printed matter  
21 depicting a minor engaged in sexually explicit conduct as defined in  
22 RCW 9.68A.011(4) (a) through (e).

23 (b) Possession of depictions of a minor engaged in sexually  
24 explicit conduct in the first degree is ((guilty of)) a class B felony  
25 punishable under chapter 9A.20 RCW.

26 (c) For the purposes of determining the unit of prosecution under  
27 this subsection, each depiction or image of visual or printed matter  
28 constitutes a separate offense.

29 (2)(a) A person commits the crime of possession of depictions of a  
30 minor engaged in sexually explicit conduct in the second degree when he  
31 or she knowingly possesses any visual or printed matter depicting a  
32 minor engaged in sexually explicit conduct as defined in RCW  
33 9.68A.011(4) (f) or (g).

34 (b) Possession of depictions of a minor engaged in sexually  
35 explicit conduct in the second degree is a class C felony punishable  
36 under chapter 9A.20 RCW.

1       (c) For the purposes of determining the unit of prosecution under  
2 this subsection, each incident of possession of one or more depictions  
3 or images of visual or printed matter constitutes a separate offense.

4       **NEW SECTION. Sec. 7.** A new section is added to chapter 9.68A RCW  
5 to read as follows:

6       (1) A person who intentionally views over the internet visual or  
7 printed matter depicting a minor engaged in sexually explicit conduct  
8 as defined in RCW 9.68A.011(4) (a) through (e) is guilty of viewing  
9 depictions of a minor engaged in sexually explicit conduct in the first  
10 degree, a class B felony punishable under chapter 9A.20 RCW.

11       (2) A person who intentionally views over the internet visual or  
12 printed matter depicting a minor engaged in sexually explicit conduct  
13 as defined in RCW 9.68A.011(4) (f) or (g) is guilty of viewing  
14 depictions of a minor engaged in sexually explicit conduct in the  
15 second degree, a class C felony punishable under chapter 9A.20 RCW.

16       (3) For the purposes of determining whether a person intentionally  
17 viewed over the internet a visual or printed matter depicting a minor  
18 engaged in sexually explicit conduct in subsection (1) or (2) of this  
19 section, the trier of fact shall consider the title, text, and content  
20 of the visual or printed matter, as well as the internet history,  
21 search terms, thumbnail images, downloading activity, expert computer  
22 forensic testimony, number of visual or printed matter depicting minors  
23 engaged in sexually explicit conduct, defendant's access to and control  
24 over the electronic device and its contents upon which the visual or  
25 printed matter was found, or any other relevant evidence. The state  
26 must prove beyond a reasonable doubt that the viewing was initiated by  
27 the user of the computer where the viewing occurred.

28       (4) For the purposes of this section, each separate internet  
29 session of intentionally viewing over the internet visual or printed  
30 matter depicting a minor engaged in sexually explicit conduct  
31 constitutes a separate offense.

32       **Sec. 8.** RCW 9.68A.110 and 2007 c 368 s 3 are each amended to read  
33 as follows:

34       (1) In a prosecution under RCW 9.68A.040, it is not a defense that  
35 the defendant was involved in activities of law enforcement and  
36 prosecution agencies in the investigation and prosecution of criminal

1 offenses. Law enforcement and prosecution agencies shall not employ  
2 minors to aid in the investigation of a violation of RCW 9.68A.090 or  
3 9.68A.100. ~~((This chapter does not apply to lawful conduct between~~  
4 ~~spouses.))~~

5 (2) In a prosecution under RCW 9.68A.050, 9.68A.060, 9.68A.070, or  
6 9.68A.080, it is not a defense that the defendant did not know the age  
7 of the child depicted in the visual or printed matter: PROVIDED, That  
8 it is a defense, which the defendant must prove by a preponderance of  
9 the evidence, that at the time of the offense the defendant was not in  
10 possession of any facts on the basis of which he or she should  
11 reasonably have known that the person depicted was a minor.

12 (3) In a prosecution under RCW 9.68A.040, 9.68A.090, 9.68A.101, or  
13 9.68A.102, it is not a defense that the defendant did not know the  
14 alleged victim's age: PROVIDED, That it is a defense, which the  
15 defendant must prove by a preponderance of the evidence, that at the  
16 time of the offense, the defendant made a reasonable bona fide attempt  
17 to ascertain the true age of the minor by requiring production of a  
18 driver's license, marriage license, birth certificate, or other  
19 governmental or educational identification card or paper and did not  
20 rely solely on the oral allegations or apparent age of the minor.

21 (4) In a prosecution under RCW 9.68A.050, 9.68A.060, ~~((or))~~  
22 9.68A.070, or section 7 of this act, it shall be an affirmative defense  
23 that the defendant was a law enforcement officer or a person  
24 specifically authorized, in writing, to assist a law enforcement  
25 officer and acting at the direction of a law enforcement officer in the  
26 process of conducting an official investigation of a sex-related crime  
27 against a minor, or that the defendant was providing individual case  
28 treatment as a recognized medical facility or as a psychiatrist or  
29 psychologist licensed under Title 18 RCW. Nothing in this act is  
30 intended to in any way affect or diminish the immunity afforded an  
31 electronic communication service provider, remote computing service  
32 provider, or domain name registrar acting in the performance of its  
33 reporting or preservation responsibilities under 18 U.S.C. Secs. 2258a,  
34 2258b, or 2258c.

35 (5) In a prosecution under RCW 9.68A.050, 9.68A.060, ~~((or))~~  
36 9.68A.070, or section 7 of this act, the state is not required to  
37 establish the identity of the alleged victim.

(6) In a prosecution under RCW 9.68A.070 or section 7 of this act,  
it shall be an affirmative defense that:

(a) The defendant was employed at or conducting research in partnership or in cooperation with any institution of higher education as defined in RCW 28B.07.020 or 28B.10.016, and:

(i) He or she was engaged in a research activity;

(ii) The research activity was specifically approved prior to the possession or viewing activity being conducted in writing by a person, or other such entity vested with the authority to grant such approval by the institution of higher learning; and

(iii) Viewing or possessing the visual or printed matter is an essential component of the authorized research; or

(b) The defendant was an employee of the Washington state legislature engaged in research at the request of a member of the legislature and:

(i) The request for research is made prior to the possession or viewing activity being conducted in writing by a member of the legislature;

(ii) The research is directly related to a legislative activity;  
and

(iii) Viewing or possessing the visual or printed matter is an essential component of the requested research and legislative activity.

(c) Nothing in this section authorizes otherwise unlawful viewing or possession of visual or printed matter depicting a minor engaged in sexually explicit conduct.

**Sec. 9.** RCW 9.94A.515 and 2008 c 108 s 23 and 2008 c 38 s 1 are each reenacted and amended to read as follows:

## TABLE 2

## CRIMES INCLUDED WITHIN

## EACH SERIOUSNESS LEVEL

XVI Aggravated Murder 1 (RCW

10.95.020)

XV Homicide by abuse (RCW 9A.32.055)

Malicious explosion 1 (RCW

70.74.280(1))



1 Murder 1 (RCW 9A.32.030)  
 2 XIV Murder 2 (RCW 9A.32.050)  
 3 Trafficking 1 (RCW 9A.40.100(1))  
 4 XIII Malicious explosion 2 (RCW  
 5 70.74.280(2))  
 6 Malicious placement of an explosive 1  
 7 (RCW 70.74.270(1))  
 8 XII Assault 1 (RCW 9A.36.011)  
 9 Assault of a Child 1 (RCW 9A.36.120)  
 10 Malicious placement of an imitation  
 11 device 1 (RCW 70.74.272(1)(a))  
 12 Rape 1 (RCW 9A.44.040)  
 13 Rape of a Child 1 (RCW 9A.44.073)  
 14 Trafficking 2 (RCW 9A.40.100(2))  
 15 XI Manslaughter 1 (RCW 9A.32.060)  
 16 Rape 2 (RCW 9A.44.050)  
 17 Rape of a Child 2 (RCW 9A.44.076)  
 18 X Child Molestation 1 (RCW 9A.44.083)  
 19 Criminal Mistreatment 1 (RCW  
 20 9A.42.020)  
 21 Indecent Liberties (with forcible  
 22 compulsion) (RCW  
 23 9A.44.100(1)(a))  
 24 Kidnapping 1 (RCW 9A.40.020)  
 25 Leading Organized Crime (RCW  
 26 9A.82.060(1)(a))  
 27 Malicious explosion 3 (RCW  
 28 70.74.280(3))  
 29 Sexually Violent Predator Escape  
 30 (RCW 9A.76.115)  
 31 IX Abandonment of Dependent Person 1  
 32 (RCW 9A.42.060)  
 33 Assault of a Child 2 (RCW 9A.36.130)  
 34 Explosive devices prohibited (RCW  
 35 70.74.180)  
 36 Hit and Run--Death (RCW  
 37 46.52.020(4)(a))

Homicide by Watercraft, by being  
 under the influence of intoxicating  
 liquor or any drug (RCW  
 79A.60.050)  
 Inciting Criminal Profiteering (RCW  
 9A.82.060(1)(b))  
 Malicious placement of an explosive 2  
 (RCW 70.74.270(2))  
 Robbery 1 (RCW 9A.56.200)  
 Sexual Exploitation (RCW 9.68A.040)  
 Vehicular Homicide, by being under  
 the influence of intoxicating liquor  
 or any drug (RCW 46.61.520)  
 VIII Arson 1 (RCW 9A.48.020)  
 Homicide by Watercraft, by the  
 operation of any vessel in a  
 reckless manner (RCW  
 79A.60.050)  
 Manslaughter 2 (RCW 9A.32.070)  
 Promoting Commercial Sexual Abuse  
 of a Minor (RCW 9.68A.101)  
 Promoting Prostitution 1 (RCW  
 9A.88.070)  
 Theft of Ammonia (RCW 69.55.010)  
 Vehicular Homicide, by the operation  
 of any vehicle in a reckless manner  
 (RCW 46.61.520)  
 VII Burglary 1 (RCW 9A.52.020)  
 Child Molestation 2 (RCW 9A.44.086)  
 Civil Disorder Training (RCW  
 9A.48.120)  
 Dealing in depictions of minor engaged  
 in sexually explicit conduct 1  
 (RCW 9.68A.050(1))  
 Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard  
for the safety of others (RCW  
79A.60.050)

Indecent Liberties (without forcible  
compulsion) (RCW 9A.44.100(1)  
(b) and (c))

Introducing Contraband 1 (RCW  
9A.76.140)

Malicious placement of an explosive 3  
(RCW 70.74.270(3))

Negligently Causing Death By Use of a  
Signal Preemption Device (RCW  
46.37.675)

Sending, bringing into state depictions  
of minor engaged in sexually  
explicit conduct 1 (RCW  
9.68A.060(1))

Unlawful Possession of a Firearm in  
the first degree (RCW 9.41.040(1))

Use of a Machine Gun in Commission  
of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for  
the safety of others (RCW  
46.61.520)

VI Bail Jumping with Murder 1 (RCW  
9A.76.170(3)(a))  
Bribery (RCW 9A.68.010)  
Incest 1 (RCW 9A.64.020(1))  
Intimidating a Judge (RCW 9A.72.160)  
Intimidating a Juror/Witness (RCW  
9A.72.110, 9A.72.130)  
Malicious placement of an imitation  
device 2 (RCW 70.74.272(1)(b))  
Possession of Depictions of a Minor  
Engaged in Sexually Explicit  
Conduct 1 (RCW 9.68A.070(1))  
Rape of a Child 3 (RCW 9A.44.079)

1 Theft of a Firearm (RCW 9A.56.300)  
2 Unlawful Storage of Ammonia (RCW  
3 69.55.020)  
4 V Abandonment of Dependent Person 2  
5 (RCW 9A.42.070)  
6 Advancing money or property for  
7 extortionate extension of credit  
8 (RCW 9A.82.030)  
9 Bail Jumping with class A Felony  
10 (RCW 9A.76.170(3)(b))  
11 Child Molestation 3 (RCW 9A.44.089)  
12 Criminal Mistreatment 2 (RCW  
13 9A.42.030)  
14 Custodial Sexual Misconduct 1 (RCW  
15 9A.44.160)  
16 Dealing in Depictions of Minor  
17 Engaged in Sexually Explicit  
18 Conduct 2 (RCW 9.68A.050(2))  
19 Domestic Violence Court Order  
20 Violation (RCW 10.99.040,  
21 10.99.050, 26.09.300, 26.10.220,  
22 26.26.138, 26.50.110, 26.52.070,  
23 or 74.34.145)  
24 Driving While Under the Influence  
25 (RCW 46.61.502(6))  
26 Extortion 1 (RCW 9A.56.120)  
27 Extortionate Extension of Credit (RCW  
28 9A.82.020)  
29 Extortionate Means to Collect  
30 Extensions of Credit (RCW  
31 9A.82.040)  
32 Incest 2 (RCW 9A.64.020(2))  
33 Kidnapping 2 (RCW 9A.40.030)  
34 Perjury 1 (RCW 9A.72.020)  
35 Persistent prison misbehavior (RCW  
36 9.94.070)

1 Physical Control of a Vehicle While  
2 Under the Influence (RCW  
3 46.61.504(6))  
4 Possession of a Stolen Firearm (RCW  
5 9A.56.310)  
6 Rape 3 (RCW 9A.44.060)  
7 Rendering Criminal Assistance 1  
8 (RCW 9A.76.070)  
9 Sending, Bringing into State Depictions  
10 of Minor Engaged in Sexually  
11 Explicit Conduct 2 (RCW  
12 9.68A.060(2))  
13 Sexual Misconduct with a Minor 1  
14 (RCW 9A.44.093)  
15 Sexually Violating Human Remains  
16 (RCW 9A.44.105)  
17 Stalking (RCW 9A.46.110)  
18 Taking Motor Vehicle Without  
19 Permission 1 (RCW 9A.56.070)  
20 IV Arson 2 (RCW 9A.48.030)  
21 Assault 2 (RCW 9A.36.021)  
22 Assault 3 (of a Peace Officer with a  
23 Projectile Stun Gun) (RCW  
24 9A.36.031(1)(h))  
25 Assault by Watercraft (RCW  
26 79A.60.060)  
27 Bribing a Witness/Bribe Received by  
28 Witness (RCW 9A.72.090,  
29 9A.72.100)  
30 Cheating 1 (RCW 9.46.1961)  
31 Commercial Bribery (RCW 9A.68.060)  
32 Counterfeiting (RCW 9.16.035(4))  
33 Endangerment with a Controlled  
34 Substance (RCW 9A.42.100)  
35 Escape 1 (RCW 9A.76.110)  
36 Hit and Run--Injury (RCW  
37 46.52.020(4)(b))

1 Hit and Run with Vessel--Injury  
2 Accident (RCW 79A.60.200(3))  
3 Identity Theft 1 (RCW 9.35.020(2))  
4 Indecent Exposure to Person Under  
5 Age Fourteen (subsequent sex  
6 offense) (RCW 9A.88.010)  
7 Influencing Outcome of Sporting Event  
8 (RCW 9A.82.070)  
9 Malicious Harassment (RCW  
10 9A.36.080)  
11 Possession of Depictions of a Minor  
12 Engaged in Sexually Explicit  
13 Conduct 2 (RCW 9.68.070(2))  
14 Residential Burglary (RCW  
15 9A.52.025)  
16 Robbery 2 (RCW 9A.56.210)  
17 Theft of Livestock 1 (RCW 9A.56.080)  
18 Threats to Bomb (RCW 9.61.160)  
19 Trafficking in Stolen Property 1 (RCW  
20 9A.82.050)  
21 Unlawful factoring of a credit card or  
22 payment card transaction (RCW  
23 9A.56.290(4)(b))  
24 Unlawful transaction of health  
25 coverage as a health care service  
26 contractor (RCW 48.44.016(3))  
27 Unlawful transaction of health  
28 coverage as a health maintenance  
29 organization (RCW 48.46.033(3))  
30 Unlawful transaction of insurance  
31 business (RCW 48.15.023(3))  
32 Unlicensed practice as an insurance  
33 professional (RCW  
34 48.17.063(~~((3))~~) (2))  
35 Use of Proceeds of Criminal  
36 Profiteering (RCW 9A.82.080 (1)  
37 and (2))

1 Vehicular Assault, by being under the  
2 influence of intoxicating liquor or  
3 any drug, or by the operation or  
4 driving of a vehicle in a reckless  
5 manner (RCW 46.61.522)

6 Viewing of Depictions of a Minor  
7 Engaged in Sexually Explicit  
8 Conduct 1 (section 7(1) of this act)

9 Willful Failure to Return from  
10 Furlough (RCW 72.66.060)

11 III Animal Cruelty 1 (Sexual Conduct or  
12 Contact) (RCW 16.52.205(3))  
13 Assault 3 (Except Assault 3 of a Peace  
14 Officer With a Projectile Stun  
15 Gun) (RCW 9A.36.031 except  
16 subsection (1)(h))  
17 Assault of a Child 3 (RCW 9A.36.140)  
18 Bail Jumping with class B or C Felony  
19 (RCW 9A.76.170(3)(c))  
20 Burglary 2 (RCW 9A.52.030)  
21 Commercial Sexual Abuse of a Minor  
22 (RCW 9.68A.100)  
23 Communication with a Minor for  
24 Immoral Purposes (RCW  
25 9.68A.090)  
26 Criminal Gang Intimidation (RCW  
27 9A.46.120)  
28 Custodial Assault (RCW 9A.36.100)  
29 Cyberstalking (subsequent conviction  
30 or threat of death) (RCW  
31 9.61.260(3))  
32 Escape 2 (RCW 9A.76.120)  
33 Extortion 2 (RCW 9A.56.130)  
34 Harassment (RCW 9A.46.020)  
35 Intimidating a Public Servant (RCW  
36 9A.76.180)

1 Introducing Contraband 2 (RCW  
2 9A.76.150)  
3 Malicious Injury to Railroad Property  
4 (RCW 81.60.070)  
5 Mortgage Fraud (RCW 19.144.080)  
6 Negligently Causing Substantial Bodily  
7 Harm By Use of a Signal  
8 Preemption Device (RCW  
9 46.37.674)  
10 Organized Retail Theft 1 (RCW  
11 9A.56.350(2))  
12 Perjury 2 (RCW 9A.72.030)  
13 Possession of Incendiary Device (RCW  
14 9.40.120)  
15 Possession of Machine Gun or Short-  
16 Barreled Shotgun or Rifle (RCW  
17 9.41.190)  
18 Promoting Prostitution 2 (RCW  
19 9A.88.080)  
20 Retail Theft with Extenuating  
21 Circumstances 1 (RCW  
22 9A.56.360(2))  
23 Securities Act violation (RCW  
24 21.20.400)  
25 Tampering with a Witness (RCW  
26 9A.72.120)  
27 Telephone Harassment (subsequent  
28 conviction or threat of death)  
29 (RCW 9.61.230(2))  
30 Theft of Livestock 2 (RCW 9A.56.083)  
31 Theft with the Intent to Resell 1 (RCW  
32 9A.56.340(2))  
33 Trafficking in Stolen Property 2 (RCW  
34 9A.82.055)  
35 Unlawful Imprisonment (RCW  
36 9A.40.040)



1 Unlawful possession of firearm in the  
2 second degree (RCW 9A.04.040(2))  
3 Vehicular Assault, by the operation or  
4 driving of a vehicle with disregard  
5 for the safety of others (RCW  
6 46.61.522)  
7 Willful Failure to Return from Work  
8 Release (RCW 72.65.070)  
9 II Computer Trespass 1 (RCW  
10 9A.52.110)  
11 Counterfeiting (RCW 9.16.035(3))  
12 Escape from Community Custody  
13 (RCW 72.09.310)  
14 Failure to Register as a Sex Offender  
15 (second or subsequent offense)  
16 (RCW 9A.44.130(11)(a))  
17 Health Care False Claims (RCW  
18 48.80.030)  
19 Identity Theft 2 (RCW 9.35.020(3))  
20 Improperly Obtaining Financial  
21 Information (RCW 9.35.010)  
22 Malicious Mischief 1 (RCW  
23 9A.48.070)  
24 Organized Retail Theft 2 (RCW  
25 9A.56.350(3))  
26 Possession of Stolen Property 1 (RCW  
27 9A.56.150)  
28 Possession of a Stolen Vehicle (RCW  
29 9A.56.068)  
30 Retail Theft with Extenuating  
31 Circumstances 2 (RCW  
32 9A.56.360(3))  
33 Theft 1 (RCW 9A.56.030)  
34 Theft of a Motor Vehicle (RCW  
35 9A.56.065)

1 Theft of Rental, Leased, or Lease-  
2 purchased Property (valued at one  
3 thousand five hundred dollars or  
4 more) (RCW 9A.56.096(5)(a))  
5 Theft with the Intent to Resell 2 (RCW  
6 9A.56.340(3))  
7 Trafficking in Insurance Claims (RCW  
8 48.30A.015)  
9 Unlawful factoring of a credit card or  
10 payment card transaction (RCW  
11 9A.56.290(4)(a))  
12 Unlawful Practice of Law (RCW  
13 2.48.180)  
14 Unlicensed Practice of a Profession or  
15 Business (RCW 18.130.190(7))  
16 Voyeurism (RCW 9A.44.115)  
17 I Attempting to Elude a Pursuing Police  
18 Vehicle (RCW 46.61.024)  
19 False Verification for Welfare (RCW  
20 74.08.055)  
21 Forgery (RCW 9A.60.020)  
22 Fraudulent Creation or Revocation of a  
23 Mental Health Advance Directive  
24 (RCW 9A.60.060)  
25 Malicious Mischief 2 (RCW  
26 9A.48.080)  
27 Mineral Trespass (RCW 78.44.330)  
28 Possession of Stolen Property 2 (RCW  
29 9A.56.160)  
30 Reckless Burning 1 (RCW 9A.48.040)  
31 Taking Motor Vehicle Without  
32 Permission 2 (RCW 9A.56.075)  
33 Theft 2 (RCW 9A.56.040)

1 Theft of Rental, Leased, or Lease-  
2 purchased Property (valued at two  
3 hundred fifty dollars or more but  
4 less than one thousand five  
5 hundred dollars) (RCW  
6 9A.56.096(5)(b))  
7 Transaction of insurance business  
8 beyond the scope of licensure  
9 (RCW 48.17.063(((4))))  
10 Unlawful Issuance of Checks or Drafts  
11 (RCW 9A.56.060)  
12 Unlawful Possession of Fictitious  
13 Identification (RCW 9A.56.320)  
14 Unlawful Possession of Instruments of  
15 Financial Fraud (RCW 9A.56.320)  
16 Unlawful Possession of Payment  
17 Instruments (RCW 9A.56.320)  
18 Unlawful Possession of a Personal  
19 Identification Device (RCW  
20 9A.56.320)  
21 Unlawful Production of Payment  
22 Instruments (RCW 9A.56.320)  
23 Unlawful Trafficking in Food Stamps  
24 (RCW 9.91.142)  
25 Unlawful Use of Food Stamps (RCW  
26 9.91.144)  
27 Vehicle Prowl 1 (RCW 9A.52.095)"

**ESHB 2424** - S COMM AMD  
By Committee on Judiciary

28 On page 1, line 2 of the title, after "abuse;" strike the remainder  
29 of the title and insert "amending RCW 9.68A.001, 9.68A.011, 9.68A.050,  
30 9.68A.060, 9.68A.070, and 9.68A.110; reenacting and amending RCW

1 9.94A.515; adding new sections to chapter 9.68A RCW; and prescribing  
2 penalties."

--- END ---